

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUAN CARLOS MUNIZ,

Petitioner,

Case No. 1:25-cv-73

v.

Honorable Phillip J. Green

BRYAN MORRISON,

Respondent.

ORDER TO STAY

In accordance with the opinion entered this day:

IT IS ORDERED that Petitioner's motion to stay these proceedings and hold them in abeyance (ECF No. 2) is **GRANTED IN PART** and **DENIED IN PART**.

IT IS FURTHER ORDERED that Petitioner's habeas ground III is **DISMISSED WITHOUT PREJUDICE** as unexhausted.

IT IS FURTHER ORDERED that Petitioner shall have until March 5, 2025, to either: (1) file a motion for relief from judgment in the Allegan County Circuit Court setting forth any unexhausted claims that he intends to pursue in his habeas petition; or (2) file a motion to lift the stay indicating that he intends to proceed with the exhausted claims in his present petition.

IT IS FURTHER ORDERED that Petitioner's action is hereby stayed and held in abeyance until Petitioner either (1) files a motion to amend his petition to include any subsequently exhausted claims—such motion must be filed no later than

30 days after a final decision by the Michigan Supreme Court on Petitioner's unexhausted claims and shall include a description of the newly exhausted claims and the dates and substance of decision at each step of state-court review, the motion to amend shall include a proposed amended petition setting forth all of Petitioner's habeas grounds; or (2) files a motion to lift the stay, by March 5, 2025, indicating that he intends to proceed with the exhausted claims in his present petition.

IT IS FURTHER ORDERED that if Petitioner fails to comply with the deadlines imposed in this order, the Court may dismiss the petition.

IT IS FURTHER ORDERED that this case shall be administratively closed until such time as Petitioner files a motion to amend his petition or a motion to lift stay in accordance with the procedures set forth in this order.

Dated: January 24, 2025

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge